UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

DUDE NEW ENGLAND COMPOUNDING	MDI NI GATO
IN RE: NEW ENGLAND COMPOUNDING) PHARMACY, INC. PRODUCTS LIABILITY)	MDL No. 2419
LITIGATION	Master Dkt. No. 1:13-md-2419-FDS
This Document Relates To:	
All Cases)	

STIPULATION AND PROPOSED ORDER GRANTING EXTENSION OF TIME FOR DEFENDANT UNIFIRST CORPORATION TO RESPOND TO THE MASTER COMPLAINT

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs, by and through the undersigned representatives of the Plaintiffs' Steering Committee, and Defendant UniFirst Corporation ("UniFirst"), by and through its undersigned counsel, as follows:

- 1. WHEREAS UniFirst has been named as a defendant in short form complaints filed in more than 250 cases currently pending in this MDL, filed by plaintiffs residing in at least seventeen different states, and also has been named as a defendant in the Master Complaint;
- 2. WHEREAS UniFirst agreed to accept executed requests for waivers of personal service of the short form complaints that were mailed to UniFirst's counsel in accordance with a stipulation filed in this case on December 13, 2013;
- 3. WHEREAS under Rule 4 of the Federal Rules of Civil Procedure, UniFirst is not required to respond to such short form complaints until 60 days after the mailing of each request for waiver of service;

- 4. WHEREAS UniFirst received its first request for waiver of service of any short form complaint filed against it in this action on December 18, 2013 and, thus, under the Federal Rules of Civil Procedure, could not be required to answer, move to dismiss or otherwise respond to any of the short form complaints against it until Monday, February 17, 2013, at the earliest;
- 5. WHEREAS UniFirst still has not been served with or received requests for waiver of service for over 110 short form complaints filed in this MDL that raise claims against UniFirst;
- 6. WHEREAS the parties desire to establish a reasonable deadline by which UniFirst shall answer, move to dismiss, or otherwise respond to the allegations raised in the Master Complaint;
- 7. WHEREAS the Court already has extended the deadline for certain Unaffiliated Defendants to answer, move to dismiss or otherwise respond to allegations in the Master Complaint until April 10, 2014;
- 8. WHEREAS the other Unaffiliated Defendants were named as defendants in cases pending in this MDL long before UniFirst was so named;

IT IS HEREBY STIPULATED AND AGREED, subject to approval and order of this Court, that UniFirst shall have until April 1, 2014 to answer, move to dismiss or otherwise file pleadings responsive to the allegations raised in the Master Complaint, provided that nothing in this stipulation precludes UniFirst from filing a subsequent motion to dismiss in any individual case pending in this MDL, at an appropriate time, on grounds that are specific either to the individual plaintiff(s) in that case or to the law governing that case.¹

2

Should the Court postpone the deadline for other Unaffiliated Defendants to file responsive pleadings until after April 1, 2014, then UniFirst reserves the right to seek a similar extension of its own time to respond to the Master Complaint.

/s/ James C. Rehnquist

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Date: February 4, 2014

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Date: February 4, 2014

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SO ORDERED:

Hon. F. Dennis Saylor IV,

United States District Court Judge

2/6/2014